

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	LABEEB ET AL.	Art Unit:	2421
Serial No.:	09/893,192	Docket No.:	METABYTE-1
Filed:	June 27, 2001	Examiner:	Parra, Omar
For:	METHOD AND APPARATUS FOR DELIVERY OF TELEVISION PROGRAMS AND TARGETED DE-COUPLED ADVERTISING		

**REQUEST FOR EXCUSAL OF ERROR IN CLAIMING SMALL ENTITY STATUS AND
PAYMENT OF DEFICIENCY PURSUANT TO 37 CFR 1.28**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In relation to the above referenced application, Small Entity status was established in good faith and Small Entity fees were paid in good faith, with no deceptive intent. Applicants, having discovered in the instant case that small entity status is not appropriate, seek to have their error in claiming small entity status excused.

37 CFR 1.28 provides that if status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, ..., the error will be excused upon: compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) of this section."

As provided in 37 CFR 1.28(c)(2), the deficiency due for each fee erroneously paid as a small entity is the difference between the current fee due and the fee paid erroneously. The Commissioner is hereby authorized to charge a total of \$2,685 to deposit account no. 50-3208, as calculated on the table below.


Date Originally paid	Code	Name	Paid	Current Fee	Difference due
June 27, 2001	1202	Extra Claim charge (20)	\$180	\$1,040	\$860
June 27, 2001	1203	Multiple Dependent claims (1)	\$135	\$390	\$255
June 27, 2001	1001	Basic filing fee	\$355	\$850	\$495
February 28, 2002	1254	Four Month Extension of Time	\$720	\$1,730	\$1,010
February 28, 2002	1051	Late filing of Declaration	\$65	\$130	\$65
		Total			\$ 2,685

Should there be any other fees due and owing, with respect to this application, the Commissioner is authorized to charge such fees or to credit such overpayment to deposit account no. 50-3208.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,

Dated: January 17, 2009



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